

DUNCAN MILLER

IBLA 75-509A

Decided August 25, 1975

Appeal from the decision of the Utah State Office, Bureau of Land Management, denying suspension of oil and gas lease U-0145086.

Affirmed.

1. Oil and Gas Leases: Suspensions

Applications by lessees for relief of producing requirements must be made to the appropriate Regional Oil and Gas Supervisor of the Geological Survey. No suspension of operations and production is authorized in the absence of a well capable of production on the leasehold, except when the Secretary directs a suspension in the interest of conservation.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Appellant was issued noncompetitive oil and gas lease U-0145086 on March 1, 1965. The lease was due to expire on February 28, 1975. On February 25, 1975, appellant filed a "Request for Equitable Consideration and Suspension of Lease Term" with the Utah State Office, Bureau of Land Management. The State Office denied this "Request" by decision dated April 4, 1975, which noted the lease had expired by operation of law. Appellant takes this appeal from that decision.

Appellant based his "Request" upon a worldwide shortage of drilling pipe and the fact that environmental stipulations were placed upon his lease which violated the "contract." The State Office stated that it had no authority to suspend the lease. On appeal, appellant basically reiterates his prior arguments and makes general charges against the "political establishment" without any specific substantiation or relationship to this case.

[1] Applications for suspension of the requirements of oil and gas leases must be filed with the appropriate Regional Oil and Gas Supervisor of the U.S. Geological Survey. 30 CFR 221.14; 43 CFR 3103.3-7(b); 43 CFR 3103.3-8(a); Duncan Miller, 11 IBLA 14, 16, 80 I.D. 322, 323 (1973); Duncan Miller, 6 IBLA 283, 284 (1972). This requirement was not complied with by appellant prior to the expiration date of the lease. Moreover, no suspension of a lease is authorized in the absence of a well capable of production on the leasehold except where the Secretary of the Interior directs a suspension in the interest of conservation. 43 CFR 3103.3-7(a); 43 CFR 3103.3-8; Duncan Miller, 11 IBLA 14, 15-16, 80 I.D. 322, 323 (1973); Duncan Miller, 6 IBLA 283, 284 (1972). Appellant has alleged no facts which would qualify his lease for such a suspension. The lease expired at the end of its term and there is no authority, in the circumstances of this case, which could revive and extend the lease beyond that term. Duncan Miller, *supra*, at 6 IBLA 287.

Therefore, pursuant to the authority granted to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson  
Administrative Judge

We concur:

Frederick Fishman  
Administrative Judge

Anne Poindexter Lewis  
Administrative Judge

